



Micheline Gravelle
BERESKIN & PARR
Box 401, 40 King Street West
Toronto, Ontario
Canada M5H 3Y2

In re Application of
WARRINGTON, R. C. *et al*
Application No.: 09/600,125
PCT No.: PCT/CA99/00005
Int. Filing Date: 13 January 1999
Priority Date: 13 January 1998
Attorney Docket No.: 10242-32
For: COMPOSITION CONTAINING
PROPARGYLAMINE FOR
ENHANCING CANCER THERAPY

DECISION

This is a decision on applicants' "Renewed Request Under 37 CFR 1.42" filed 10 April 2002.

BACKGROUND

On 11 January 2002, a decision dismissing applicants' request under 37 CFR 1.42 was mailed because the declaration submitted on 16 October 2001 did not comply with the requirements of 37 CFR 1.497.

On 10 April 2002, applicants submitted the instant renewed request which was accompanied by, *inter alia*, an executed declaration and a one-month extension with accompanying \$110.00 extension fee.

DISCUSSION

As stated in the 11 January 2002 decision, the legal representative of the deceased co-inventor is the Canada Trust Company. Therefore, the citizenship, residence and mailing address of the Canada Trust Company are required on the declaration pursuant to 37 CFR 1.497(b)(2). In addition, section 605.01 of the Manual of Patent Examining Procedure states that "[w]here an applicant is not a citizen of any country, a statement to this effect is accepted as satisfying the statutory requirement."

It was also noted in the prior decision that the citizenship of the deceased co-inventor, I. Alick Paterson is listed as the United Kingdom on the 30 April 2001 declaration, while the citizenship of the deceased co-inventor is listed as Canadian in the declaration submitted on 16 October 2001.

In the instant renewed petition, applicants have submitted a new declaration complying with all of the requirements of 37 CFR 1.497(a) and (b). The citizenship of the legal representative, the Canada Trust Company is indicated as "no citizenship" which meets the requirements of the MPEP. Both the residence and mailing address of the Canada Trust Company are listed on the declaration. Finally, the citizenship of I. Alick Paterson is listed as the United Kingdom.

This declaration complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 13 January 1999 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 10 April 2002.

This application is being forwarded to the United States Designated/Elected Office for further processing in accordance with this decision.



Boris Milef
PCT Legal Examiner
PCT Legal Office



James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457